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REMARKS

The Applicant thanks the Examiner for examining this application. By way of this Response, claims 1, 10, and 15 are amended. Claims 5 and 11 are cancelled.

35 U.S.C. 102(b)

Claims 1-4 and 10-14 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Hendricks et al. (U.S. Patent 5,600,364, referred to as Hendricks).

Claim 1 and Dependents

Claim 1 (and its dependent claims) describe a content on demand system including logic to alternatively deliver information about multiple audio and/or video streams on a first tunable channel and on a second tunable channel. The Office Action acknowledges that this is not a feature of Hendricks.

The Applicant respectfully asserts that it is not a feature of Aggarwal, either. The Office Action cites col. 3, 4 of Aggarwal for this feature, but here is found merely a description of channel bandwidth varying in predictable fashion over time. There is no teaching in Aggarwal of logic to alternatively deliver information about multiple audio and/or video streams on a first tunable channel and on a second tunable channel. Notice the claim features: it is information about content, not the content itself, that is delivered on alternate tunable channels. These are very unique and novel features, especially in combination, and they aren't even suggested in Aggarwal.

Claim 10 and Dependents

Claim 10 (and its dependent claims) describes a set top box including logic to read information from a channel comprising an index of audio and/or video information and, when the channel contains an indication of invalid information, to tune to an alternate channel comprising the index in the format of audio and/or video streams, and to read the index from the alternate channel. These are not features disclosed or suggested in Hendricks.

The Applicant respectfully points out the precise claim language: reading from a channel comprising an index of audio and/or video information, when the channel (meaning the channel

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with the index) contains invalid information (the specification describes this as invalid index information), and tuning to an alternate channel comprising the index in the format of audio and/or video streams when the first channel index is invalid. Under best practices of the Patent Office, the Examiner is not at liberty to ignore claim features when making a rejection, or to interpret claim features in unreasonable ways. It is not reasonable to interpret “invalid information” in the present claims as equivalent to demographic information in Hendricks (see Office Action).

35 U.S.C. 103(a)

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Hendricks in view of Aggarwal et al. (U.S. Patent 6,631,413, referred to as Aggarwal). Claim 9 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Hendricks in view of Ellis et al. (U.S. Patent 2004/0117831 A1, referred to as Ellis).

Claims 5-9 depend from claim 1 and are thus patentable over the cited references for at least the same reasons as claim 1. Ellis does not teach the features of claim 1 lacking in Hendricks or Aggarwal.

Claims 15-16

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Hendricks in view of Akiyama et al. (U.S. Patent 5,784,464, referred to as Akiyama).

The Applicant respectfully disagrees that Akiyama discloses applying the audio and/or video title information and a service group identifier in a request communicated to an on-demand server system. A service group as used in the present claims is not the same as a service provider id as used in Akiyama. The Applicant urges the Examiner to read the claim language in light of the specification for an understanding of “service group identifier” (e.g. id of a regional content distribution group). While it is best practices of the Patent Office to give claims their broadest reasonable interpretation during examination, it is not appropriate to go beyond what is reasonable in light of the specification and common meaning in the arts. Akiyama also fails to disclose combining a service group identifier with an audio or video title in a request to an on-demand server.

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Conclusion

The Applicant respectfully requests allowance of all remaining claims. If the Examiner believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

Please charge any additional fees under 37 CFR §§ 1.16, 1.17, 1.18, 1.20 and 1.21 that may be required to maintain pendency of the present application, or apply any credits to our PTO deposit account number: 501691.

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